

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2007-1056-PWS-E **TCEQ ID:** RN101228609 **CASE NO.:** 34103
RESPONDENT NAME: Tall Oaks Estates Water System

Page 1 of 3

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input checked="" type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Tall Oaks Estates Water System, 1812 County Road 2403, Van Zandt County</p> <p>TYPE OF OPERATION: Public water supply</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: Two complaints were received on May 20 and 21, 2007, alleging the water was turned off for several hours and it was dirty/muddy. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: Complaints were received but the complainant has not expressed the desire to protest this action or speak at Agenda.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on March 10, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Tel Croston, Enforcement Division, Enforcement Team 2, MC 169, (512) 239-5717; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. Ed Smith, President, Tall Oaks Estates Water System, 1812 VZ County Road 2403, Canton, Texas 75103 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date of Complaints Relating to this Case: May 20 and 21, 2007</p> <p>Date of Investigation Relating to this Case: May 21, 2007</p> <p>Date of NOE Relating to this Case: June 15, 2007 (NOE)</p> <p>Background Facts: This was a complaint investigation.</p> <p>WATER</p> <p>1) Failure to meet the minimum well capacity requirement of 1.5 gallons per minute ("gpm") per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(A)(i) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].</p> <p>2) Failure to meet a pressure tank capacity of 50 gallons per connection for a water system without ground storage [30 TEX. ADMIN. CODE § 290.45(b)(1)(A)(ii) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].</p> <p>3) Failure to provide a sanitary control easement or an approved exception to the easement requirement that covers the land within 150 feet of the water system's wells [30 TEX. ADMIN. CODE § 290.41(c)(1)(F)].</p> <p>4) Failure to issue a boil water notice within 24 hours after the loss of distribution pressure. Specifically, distribution pressure was lost at approximately 5:00 p.m. on May 20, 2007. Boil water notice was not given until after 5:00 p.m. on May 21, 2007 [30 TEX. ADMIN. CODE § 290.46(q)(2) and TEX. HEALTH & SAFETY CODE § 341.036].</p> <p>5) Failure to issue a customer service inspection certificate prior to providing continuous water service [30 TEX. ADMIN. CODE § 290.46(j)].</p>	<p>Total Assessed: \$1,312</p> <p>Total Deferred: \$262 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$1,050</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>1) The Executive Director recognizes that the Respondent issued a boil water notice to all customers after 5:00 p.m. on May 21, 2007.</p> <p>Ordering Provisions:</p> <p>2) The Order will require the Respondent to:</p> <p>a) Immediately upon the effective date of this Agreed Order, begin completing service inspection certifications prior to providing continuous water service to new construction, on any existing service when the water purveyor has reason to believe that cross-connections or other unacceptable plumbing practices exist, or after any material improvement, correction, or addition to the private plumbing facilities;</p> <p>b) Within 30 days after the effective date of this Agreed Order:</p> <p>i. Submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision 2.a.; and</p> <p>ii. Employ a water works operator who holds a minimum of a Class "D" license.</p> <p>c) Within 60 days after the effective date of this Agreed Order:</p> <p>i. Submit written certification of compliance and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision 2.b.ii.; and</p> <p>ii. Obtain sanitary control easements covering all property within 150 feet of each well location from adjacent landowners and record the deeds at the</p>

<p>6) Failure to ensure that the public water supply operation is under the direct supervision of a water works operator who holds a minimum of a Class "D" license [30 TEX. ADMIN. CODE § 290.46(e)(4)(A) and TEX. HEALTH & SAFETY CODE § 341.033(a)].</p>		<p>county courthouse.</p> <p>d) Within 90 days after the effective date of this Agreed Order:</p> <p>i. Submit written certification of compliance and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision 2.c.ii.;</p> <p>ii. Provide a well capacity of 1.5 gpm at the Facility; and</p> <p>iii. Provide a pressure tank capacity of 50 gallons per connection at the Facility.</p> <p>e) Within 105 days after the effective date of this Agree Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision 2.d. The certification shall be notarized by a State of Texas Notary Public.</p>
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Additional ID No(s): 2340033



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision June 26, 2007

TCEQ

DATES	Assigned	18-Jun-2007	Screening	2-Jul-2007	EPA Due	
	PCW	28-Jun-2007				

RESPONDENT/FACILITY INFORMATION

Respondent	Tall Oaks Estates Water System		
Reg. Ent. Ref. No.	RN101228609		
Facility/Site Region	5-Tyler	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	34103	No. of Violations	6
Docket No.	2007-1056-PWS-E	Order Type	1660
Media Program(s)	Public Water Supply	Enf. Coordinator	Tel Croston
Multi-Media		EC's Team	EnforcementTeam 2
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** \$1,250

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History **Subtotals 2, 3, & 7** \$62

Notes The Respondent was issued one same or similar Notice of Violation ("NOV") at this site in the past five years.

Culpability **Subtotal 4** \$0

Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply **Subtotal 5** \$0

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes The Respondent does not meet the good faith criteria.

Total EB Amounts	\$1,724
Approx. Cost of Compliance	\$31,300

0% Enhancement*
*Capped at the Total EB \$ Amount

Subtotal 6 \$0

SUM OF SUBTOTALS 1-7 **Final Subtotal** \$1,312

OTHER FACTORS AS JUSTICE MAY REQUIRE

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Adjustment \$0

Notes

Final Penalty Amount \$1,312

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty \$1,312

DEFERRAL

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

20% **Adjustment** \$262

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY

\$1,050

Screening Date 2-Jul-2007

Docket No. 2007-1056-PWS-E

PCW

Respondent Tall Oaks Estates Water System

Policy Revision 2 (September 2002)

Case ID No. 34103

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN101228609

Media [Statute] Public Water Supply

Enf. Coordinator Tel Croston

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 5%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

The Respondent was issued one same or similar Notice of Violation ("NOV") at this site in the past five years.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 5%

Screening Date 2-Jul-2007		Docket No. 2007-1056-PWS-E		PCW																				
Respondent Tall Oaks Estates Water System		<small>Policy Revision 2 (September 2002)</small>																						
Case ID No. 34103		<small>PCW Revision June 26, 2007</small>																						
Reg. Ent. Reference No. RN101228609																								
Media [Statute] Public Water Supply																								
Enf. Coordinator Tel Croston																								
Violation Number		<div style="border: 1px solid black; padding: 2px;">1</div>																						
Rule Cite(s)		<div style="border: 1px solid black; padding: 2px;">30 Tex. Admin. Code § 290.45(b)(1)(A)(i) and Tex. Health & Safety Code § 341.0315(c)</div>																						
Violation Description		<div style="border: 1px solid black; padding: 2px;">Failed to meet the minimum well capacity requirement of 1.5 gallons per minute ("gpm") per connection. Specifically, the water supply currently produces 60 gpm. A system with 45 connections should produce 67.5 gpm, indicating an 11% deficiency.</div>																						
Base Penalty				<div style="border: 1px solid black; padding: 2px;">\$1,000</div>																				
>> Environmental, Property and Human Health Matrix																								
OR	<table border="1" style="margin: auto;"> <tr> <td></td> <th colspan="3">Harm</th> </tr> <tr> <td></td> <th>Major</th> <th>Moderate</th> <th>Minor</th> </tr> <tr> <td>Release</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Actual</td> <td><div style="border: 1px solid black; width: 40px; height: 15px;"></div></td> <td><div style="border: 1px solid black; width: 40px; height: 15px;"></div></td> <td><div style="border: 1px solid black; width: 40px; height: 15px;"></div></td> </tr> <tr> <td>Potential</td> <td><div style="border: 1px solid black; width: 40px; height: 15px;"></div></td> <td style="text-align: center;">x</td> <td><div style="border: 1px solid black; width: 40px; height: 15px;"></div></td> </tr> </table>					Harm				Major	Moderate	Minor	Release				Actual	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	Potential	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	x	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>
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Potential	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	x	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>																					
				Percent <div style="border: 1px solid black; padding: 2px;">10%</div>																				
>> Programmatic Matrix																								
	<table border="1" style="margin: auto;"> <tr> <td></td> <th>Falsification</th> <th>Major</th> <th>Moderate</th> <th>Minor</th> </tr> <tr> <td></td> <td><div style="border: 1px solid black; width: 40px; height: 15px;"></div></td> <td><div style="border: 1px solid black; width: 40px; height: 15px;"></div></td> <td><div style="border: 1px solid black; width: 40px; height: 15px;"></div></td> <td><div style="border: 1px solid black; width: 40px; height: 15px;"></div></td> </tr> </table>					Falsification	Major	Moderate	Minor		<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>										
	Falsification	Major	Moderate	Minor																				
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				Percent <div style="border: 1px solid black; padding: 2px;">0%</div>																				
Matrix Notes	<div style="border: 1px solid black; padding: 2px;">Without sufficient well capacity, customers of the water system could experience water outages and the system's ability to provide a safe and adequate water supply could be impaired.</div>																							
Adjustment				<div style="border: 1px solid black; padding: 2px;">\$900</div>																				
				<div style="border: 1px solid black; padding: 2px;">\$100</div>																				
Violation Events																								
Number of Violation Events		<div style="border: 1px solid black; padding: 2px;">1</div>	Number of violation days <div style="border: 1px solid black; padding: 2px;">42</div>																					
<small>mark only one with an x</small>	daily	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	Violation Base Penalty <div style="border: 1px solid black; padding: 2px;">\$100</div>																					
	monthly	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>																						
	quarterly	x																						
	semiannual	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>																						
	annual	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>																						
	single event	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>																						
<div style="border: 1px solid black; padding: 2px;">One quarterly event is recommended from the date of the investigation, May 21, 2007, to the date of screening, July 2, 2007.</div>																								
Economic Benefit (EB) for this violation																								
Estimated EB Amount		<div style="border: 1px solid black; padding: 2px;">\$604</div>	Statutory Limit Test																					
			Violation Final Penalty Total <div style="border: 1px solid black; padding: 2px;">\$105</div>																					
This violation Final Assessed Penalty (adjusted for limits)				<div style="border: 1px solid black; padding: 2px;">\$105</div>																				

Economic Benefit Worksheet

Respondent Tall Oaks Estates Water System
 Case ID No. 34103
 Reg. Ent. Reference No. RN101228609
 Media Public Water Supply
 Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$10,000	21-May-2007	31-Mar-2008	0.9	\$29	\$575	\$604
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the amount to meet the minimum well capacity requirement of 1.5 gpm per connection, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$604

Screening Date 2-Jul-2007

Docket No. 2007-1056-PWS-E

PCW

Respondent Tall Oaks Estates Water System

Policy Revision 2 (September 2002)

Case ID No. 34103

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN101228609

Media [Statute] Public Water Supply

Enf. Coordinator Tel Croston

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 290.45(b)(1)(A)(ii) and Tex. Health & Safety Code § 341.0315(c)

Violation Description

Failed to meet a minimum pressure tank capacity requirement of 50 gallons per connection for a water system without ground storage. Specifically, the systems current total pressure tank capacity is 1,200 gallons. A system with 45 connections should have a capacity of 2,250 gallons, indicating a 47% deficiency.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Without sufficient pressure tank capacity, customers of the water system could experience water outages and the system's ability to provide a safe and adequate water supply could be impaired.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1

42 Number of violation days

mark only one
with an x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$100

One quarterly event is recommended from the date of the investigation, May 21, 2007, to the date of screening, July 2, 2007.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$604

Violation Final Penalty Total \$105

This violation Final Assessed Penalty (adjusted for limits) \$105

Economic Benefit Worksheet

Respondent Tall Oaks Estates Water System
Case ID No. 34103
Reg. Ent. Reference No. RN101228609
Media Public Water Supply
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$10,000	21-May-2007	31-Mar-2008	0.9	\$29	\$575	\$604
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the amount to meet the minimum pressure tank capacity requirement of 50 gallons per connection, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$604

Screening Date 2-Jul-2007

Docket No. 2007-1056-PWS-E

PCW

Respondent Tall Oaks Estates Water System

Policy Revision 2 (September 2002)

Case ID No. 34103

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN101228609

Media [Statute] Public Water Supply

Enf. Coordinator Tel Croston

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code § 290.41(c)(1)(F)

Violation Description

Failed to provide a sanitary control easement or an approved exception to the easement requirement that covers the land within 150 feet of the water system's wells. Specifically, at the time of the investigation, there were no sanitary control easements for wells 1 and 2.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			x

Percent 5%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Without a sanitary control easement, contaminants could enter the well and customers of the water supply could be exposed to insignificant amounts of contaminants that do not exceed levels protective of human health.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 2

42

Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$100

Two single events are recommended (one event per well).

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$7

Violation Final Penalty Total \$105

This violation Final Assessed Penalty (adjusted for limits) \$105

Economic Benefit Worksheet

Respondent: Tall Oaks Estates Water System
Case ID No.: 34103
Reg. Ent. Reference No.: RN101228609
Media: Public Water Supply
Violation No.: 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$200	21-May-2007	31-Jan-2008	0.7	\$7	n/a	\$7

Notes for DELAYED costs

The delayed costs include the amount to obtain sanitary control easements or exceptions to the easement requirement, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$200

TOTAL

\$7

Screening Date 2-Jul-2007

Docket No. 2007-1056-PWS-E

PCW

Respondent Tall Oaks Estates Water System

Policy Revision 2 (September 2002)

Case ID No. 34103

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN101228609

Media [Statute] Public Water Supply

Enf. Coordinator Tel Croston

Violation Number 4

Rule Cite(s)

30 Tex. Admin. Code § 290.46(q)(2) and Tex. Health & Safety Code § 341.036

Violation Description

Failed to issue boil water notices within 24 hours after the loss of distribution pressure. Specifically, the water was turned off at 5:00 pm on May 20, 2007 to repair a line break. Water was restored later that evening and some flushing was done. No boil water notices were issued until after 5:00 pm on May 21, 2007 when the investigator supplied the notices and insisted that it be done immediately.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to issue a boil water notice could result in customers of the water supply being exposed to significant amounts of contaminants which would exceed levels that are protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 1

1

Number of violation days

mark only one
with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$250

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$262

This violation Final Assessed Penalty (adjusted for limits) \$262

Economic Benefit Worksheet**Respondent** Tall Oaks Estates Water System**Case ID No.** 34103**Reg. Ent. Reference No.** RN101228609**Media** Public Water Supply**Violation No.** 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$500	20-May-2007	21-May-2007	0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the amount necessary to provide all customers of the water supply with a boil water notice, calculated from the date of the violation to the date of compliance.

Avoided Costs**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs**Approx. Cost of Compliance**

\$500

TOTAL

\$0

Screening Date 2-Jul-2007

Docket No. 2007-1056-PWS-E

PCW

Respondent Tall Oaks Estates Water System

Policy Revision 2 (September 2002)

Case ID No. 34103

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN101228609

Media [Statute] Public Water Supply

Enf. Coordinator Tel Croston

Violation Number 5

Rule Cite(s)

30 Tex. Admin. Code § 290.46(j)

Violation Description

Failed to issue a customer service inspection certificate prior to providing continuous water service. Specifically no inspection was performed on a new construction residence on County Road 2403 and after extensive plumbing renovations at 1382 County Road 2403.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes

Failed to meet 100% of the rule requirement.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 2

42 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$200

Two single events are recommended, one for each home.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$20

Violation Final Penalty Total \$210

This violation Final Assessed Penalty (adjusted for limits) \$210

Economic Benefit Worksheet

Respondent Tall Oaks Estates Water System
Case ID No. 34103
Reg. Ent. Reference No. RN101228609
Media Public Water Supply
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$600	21-May-2007	18-Jan-2008	0.7	\$20	n/a	\$20
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the amount to complete and maintain copies of Customer Service Inspection reports, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$600

TOTAL

\$20

Screening Date 2-Jul-2007

Docket No. 2007-1056-PWS-E

PCW

Respondent Tall Oaks Estates Water System

Policy Revision 2 (September 2002)

Case ID No. 34103

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN101228609

Media [Statute] Public Water Supply

Enf. Coordinator Tel Croston

Violation Number 6

Rule Cite(s) 30 Tex. Admin. Code § 290.46(e)(4)(A) and Tex. Health & Safety Code § 341.033(a)

Violation Description

Failed to ensure that the public water supply operation is under the direct supervision of a water works operator who holds a minimum of a Class "D" license.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Without a licensed water works operator managing the facility, improper management of the water supply could result in customers of the water supply being exposed to contaminants which would exceed levels that are protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 2

42 Number of violation days

mark only one
with an x

daily	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$500

Two monthly events are recommended from the date of the investigation, May 21, 2007, to the date of screening, July 2, 2007.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$489

Violation Final Penalty Total \$525

This violation Final Assessed Penalty (adjusted for limits) \$525

Economic Benefit Worksheet

Respondent Tall Oaks Estates Water System
Case ID No. 34103
Reg. Ent. Reference No. RN101228609
Media Public Water Supply
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$10,000	21-May-2007	31-Jan-2008	0.7	\$23	\$466	\$489
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the annual amount to employ an operator with at least a Class "D" license, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$489

Compliance History

Customer/Respondent/Owner-Operator:	CN600668727	Tall Oaks Estates Water System	Classification:	Rating:
Regulated Entity:	RN101228609	TALL OAKS ESTATES WATER SYSTEM	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION		2340033
	WATER LICENSING	LICENSE		2340033
Location:	1812 COUNTY ROAD 2403, Van Zandt County, TX, 75103			
TCEQ Region:	REGION 05 - TYLER			
Date Compliance History Prepared:	June 26, 2007			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	June 26, 2002 to June 26, 2007			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name:	Tel Croston	Phone:	239-5717	

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
N/A
- B. Any criminal convictions of the state of Texas and the federal government.
N/A
- C. Chronic excessive emissions events.
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
N/A
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date:	01/03/2005	(343724)		
Self Report?	NO		Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(m)			
Description:	Failure to prevent entry of animals, insects and rain water contamination in proposed water lines.			
Self Report?	NO		Classification:	Minor
Citation:	30 TAC Chapter 288, SubChapter B 288.20[G]			
Description:	Failure to provide a copy of an adopted drought contingency plan.			
Self Report?	NO		Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.42(k)			
Description:	Failure to provide a Plant Operations Manual.			
Self Report?	NO		Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter F 290.121[G]			
Description:	Failure to provide a Monitoring Plan.			
Self Report?	NO		Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.46(e)(4)(A)			
Description:	Failure to employ an operator with a Class "D" water license.			
Self Report?	NO		Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter F 290.110(e)(4)			
Description:	Failure submit to TCEQ a copy of the Disinfectant Level Quarterly Operating Report form.			

Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.45(b)(1)(A)(i)		
Description:	5A THC Chapter 341, SubChapter A 341.0315[G] Failure to meet a well capacity of 1.5 gallons per minute (gpm) per connection for systems without ground storage.		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.45(b)(1)(A)(ii) 5A THC Chapter 341, SubChapter A 341.0315[G]		
Description:	Failure to meet a pressure tank capacity of 50 gallons per connection for systems without ground storage.		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F) 5A THC Chapter 341, SubChapter A 341.036[G]		
Description:	Failure to obtain sanitary control easements surrounding well #1 and well #2.		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.41(c)(3)(J)		
Description:	Failure to repair the cracked concrete sealing block surrounding well #1.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(v)		
Description:	Failure to secure and encase well #1's electrical wiring in conduit.		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.43(d)(3)		
Description:	Failure to provide the 350 gallon pressure tank with facilities for maintaining the air-water volume at the design water level and working pressure.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(f)[G]		
Description:	Failure to compile and maintain monthly operating reports to include the volume of water treated each week, complaints, and flushing reports.		

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
TALL OAKS ESTATES WATER
SYSTEM
RN101228609**

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**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2007-1056-PWS-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Tall Oaks Estates Water System ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent operates a public water supply at 1812 County Road 2403, in Van Zandt County, Texas (the "Facility") that has approximately 45 service connections and serves at least 25 people per day for at least 60 days per year.
2. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
3. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about June 20, 2007.
4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
5. An administrative penalty in the amount of One Thousand Three Hundred Twelve Dollars (\$1,312) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid One Thousand Fifty Dollars (\$1,050) of the administrative penalty and Two Hundred Sixty-Two Dollars (\$262) is deferred contingent upon

the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

6. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
7. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
8. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
9. The Executive Director recognizes that the Respondent issued a boil water notice to all customers after 5:00 p.m. on May 21, 2007.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As operator of the Facility, the Respondent is alleged to have:

1. Failed to meet the minimum well capacity requirement of 1.5 gallons per minute ("gpm") per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(A)(i) and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during an investigation conducted on May 21, 2007.
2. Failed to meet a pressure tank capacity of 50 gallons per connection for a water system without ground storage, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(A)(ii) and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during an investigation conducted on May 21, 2007.
3. Failed to provide a sanitary control easement or an approved exception to the easement requirement that covers the land within 150 feet of the water system's wells, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(1)(F), as documented during an investigation conducted on May 21, 2007.
4. Failed to issue a boil water notice within 24 hours after the loss of distribution pressure, in violation of 30 TEX. ADMIN. CODE § 290.46(q)(2) and TEX. HEALTH & SAFETY CODE § 341.036. Specifically, distribution pressure was lost at approximately 5:00 p.m. on May 20, 2007. Boil water notice was not issued until after 5:00 p.m. on May 21, 2007, as documented during an investigation conducted on May 21, 2007.

5. Failed to issue a customer service inspection certificate prior to providing continuous water service, in violation of 30 TEX. ADMIN. CODE § 290.46(j), as documented during an investigation conducted on May 21, 2007.
6. Failed to ensure that the public water supply operation is under the direct supervision of a water works operator who holds a minimum of a Class "D" license, in violation of 30 TEX. ADMIN. CODE § 290.46(e)(4)(A) and TEX. HEALTH & SAFETY CODE § 341.033(a), as documented during an investigation conducted on May 21, 2007.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 5 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Tall Oaks Estates Water System, Docket No. 2007-1056-PWS-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Immediately upon the effective date of this Agreed Order, begin completing service inspection certifications prior to providing continuous water service to new construction, on any existing service when the water purveyor has reason to believe that cross-connections or other unacceptable plumbing practices exist, or after any material improvement, correction, or addition to the private plumbing facilities, as required by 30 TEX. ADMIN. CODE § 290.46.
 - b. Within 30 days after the effective date of this Agreed Order,
 - i. Submit written certification as described in Ordering Provision 2.e. below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision 2.a.; and
 - ii. Employ a water works operator who holds a minimum of a Class "D" license, in accordance with 30 TEX. ADMIN. CODE § 290.46.

- c. Within 60 days after the effective date of the Agreed Order:
 - i. Submit written certification of compliance as described below in Ordering Provision 2.e., and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision 2.b.ii., and;
 - ii. Obtain sanitary control easements covering all property within 150 feet of each well location from adjacent landowners and record the deeds at the county courthouse, as required by 30 TEX. ADMIN. CODE § 290.41.
- d. Within 90 days after the effective date of the Agreed Order:
 - i. Submit written certification of compliance as described below in Ordering Provision 2.e., and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision 2.c.ii.;
 - ii. Provide a well capacity of 1.5 gpm at the Facility, in accordance with 30 TEX. ADMIN. CODE § 290.45; and
 - iii. Provide a pressure tank capacity of 50 gallons per connection at the Facility, in accordance with 30 TEX. ADMIN. CODE § 290.45.
- e. Within 105 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision 2.d.ii. and 2.d.iii. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Handwritten paragraph of text, appearing to be a formal letter or report.

Handwritten paragraph of text, continuing the narrative or report.

Handwritten paragraph of text, possibly a concluding statement.

Handwritten paragraph of text, possibly a signature or closing.

Handwritten paragraph of text, possibly a signature or closing.

Handwritten paragraph of text, possibly a signature or closing.

Handwritten paragraph of text, possibly a signature or closing.

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Mr. Noel Luper, Water Section, Manager
Tyler Regional Office
Texas Commission on Environmental Quality
2916 Teague Drive
Tyler, Texas 75701-3756

4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

Tall Oaks Estates Water System
DOCKET NO. 2007-1056-PWS-E
Page 6

*Filed
3/7/08*

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

[Signature]
For the Executive Director

5/5/2008
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

[Signature]
Signature

3/6/08
Date

ED SMITH
Name (Printed or typed)

PRESIDENT
Title

Authorized Representative of
Tall Oaks Estates Water System

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

